

ICRC No.: EMra11020074

██████████,
Complainant,

v.

METROPOLITAN SCHOOL DISTRICT OF PIKE TOWNSHIP,
Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following Finding with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice occurred. 910 IAC 1-3-2(b)

On February 11, 2011, ██████████ ("Complainant") filed a complaint with the Commission against Metropolitan School District of Pike Township ("Respondent") alleging race discrimination in violation of ██████████ the Indiana Civil Rights Law (IC 22-9, et seq). Complainant is an employee and Respondent is an employer as defined by the Civil Rights Law. Accordingly, the Commission has jurisdiction over the subject matter of this complaint.

An investigation has been completed. Both parties have been given the opportunity to submit evidence. Based upon a full review of the relevant files and records and final investigative report, the Deputy Director now finds the following:

The issue presented to the Commission is whether Complainant was terminated due to her race. In order to prevail, Complainant must show that: (1) she is a member of a protected class; (2) suffered an adverse

employment action; (3) she was meeting Respondent's legitimate business expectations; and (4) employees of a different race were treated more favorably under similar circumstances.

Complainant clearly is a member of a protected class by virtue of her race and it is also undisputed that she suffered an adverse employment action when Respondent terminated her employment on January 18, 2011. The remaining facts at issue are whether she was meeting Respondent's expectations or, if not, whether similarly-situated employees of a different race were treated more favorably.

The record indicates that Complainant failed to follow proper procedure, and therefore failed to meet the expectations set forth by Respondent. The evidence further indicates that a Caucasian bus driver around this same time also neglected to check her bus and left a child aboard. Respondent issued her a written reprimand. This evidence is sufficient to establish probable cause to believe that a violation of the Indiana Civil Rights Law may have occurred as alleged.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred in the above-referenced case. IC 22-9-1-18, 910 IAC 1-3-5 The parties may elect to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election, or the Indiana Civil Rights Commission will hear this matter. IC 22-9-1-16, 910 IAC 1-3-6

July 19, 2011
Date

Joshua S. Brewster, Esq.,
Deputy Director
Indiana Civil Rights Commission